

Superseded 5/10/2016

53-8-203 Council created -- Members -- Term -- Meetings -- Duties.

- (1) There is created within the division the Motor Vehicle Safety Inspection Advisory Council.
- (2)
 - (a) The council shall be composed of seven members.
 - (b) The governor shall appoint:
 - (i) one member from the general public with experience or interest in product safety or consumer advocacy;
 - (ii) two representatives from motor vehicle mechanics and motor vehicle repair business owners;
 - (iii) one member of the motoring public with no former or current affiliation with the motor vehicle sales, repair, or fuel industry or its regulation;
 - (iv) one peace officer with experience in motor vehicle law enforcement;
 - (v) one representative of the commercial trucking industry; and
 - (vi) one representative of the staff of the attorney general who shall serve without voting privileges.
- (3) Each member of the council shall:
 - (a) be selected on a nonpartisan basis;
 - (b) be appointed by the governor; and
 - (c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.
- (4)
 - (a) Except as required by Subsection (4)(b), as terms of current council members expire, the governor shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
 - (c) Members serve from the date of appointment until a replacement is appointed.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) The council shall elect its own chair and vice-chair at its first regular meeting each calendar year.
- (7) All meetings of the council shall be called by the superintendent of the highway patrol as needed.
- (8) Any three voting members constitute a quorum for the transaction of business that comes before the council.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The council shall:
 - (a) hear appeals of administrative actions regarding the suspension or revocation of safety inspection station permits and safety inspector certificates;
 - (b) advise the division on interpretation, adoption, and implementation of motor vehicle safety inspection standards; and

- (c) advise the division on other motor vehicle safety inspection issues as requested by the superintendent.
- (11) In conducting appeal hearings on the suspension or revocation of any safety inspection station permit or safety inspector certificate the council may:
 - (a) compel the attendance of witnesses by subpoena;
 - (b) require the production of any records or documents determined by it to be pertinent to the subject matter of the hearing; and
 - (c) apply to the district court of the county where the hearing is held for an order citing any applicant or witness for contempt and for failure to attend, testify, or produce required documents.